

rated as “very high” or “extreme” fire risk by the Montana Department of Natural Resources after subdivision improvements;

3. Shall have suitable soils for on-site treatment of sewage;
4. Shall not be situated or otherwise associated with any environmentally sensitive area, hazard area, or wildlife habitat of local significance or habitat for endangered or threatened species, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Montana Department of Fish, Wildlife and Parks;
5. Should be situated near the perimeter boundary of the “parent” tract of land in order to maximize the extent of uninterrupted open space;
6. Shall not interfere or otherwise conflict with adjoining farming activities;
7. Shall establish minimum setbacks for all structures of 100 feet from the boundary of a highway right-of-way and otherwise conform to the minimum setbacks of the district;
8. Shall not be located in:
 - A. a 100-year floodplain (floodway and flood fringe) as determined by the Federal Emergency Management Agency (FEMA);
 - B. areas on sloped banks or within 50 horizontal feet of high water of water bodies or streams;
 - C. wetlands as determined by the U.S. Army Corps of Engineers;
 - D. steep areas in excess of 30% slope or other areas subject to excessive geological hazards; or
 - E. areas where development will be detrimental to significant natural, historic, or cultural resources.

5.09.040

Open Space Requirements

The location and size of the area designated as open space shall be shown on the final plat of the subdivision. A single-family dwelling on open-space area 20-acres or larger, and utilities are permitted.

SECTION 5.10

RETAINING WALLS

Retaining walls over thirty-six (36) inches in height above the original grade shall meet the setback requirements and height limitations for accessory structures. The height shall be measured as the total height of the retaining wall or combination of tiered retaining walls within the setback area.

SECTION 5.11

SIGNS

5.11.010

Signs permitted in all districts (exempt signs):

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding thirty-two (32) square feet in area.

2. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
3. Flags and insignias of any government except when displayed in connection with commercial promotion.
4. Legal notices; identification, information, or directional signs erected or required by governmental bodies.
5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
6. On-premise signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall not exceed 16 square feet.
7. Bulletin boards for churches, schools, or other public, religious, or educational institution provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.
8. Political signs on private property, each not exceeding thirty-two (32) square feet.
9. One construction sign per street frontage, per contractor of a building, which is under construction, provided the advertising display area of such a sign, shall not exceed thirty-two (32) square feet.
10. Signs identifying the entrances to subdivisions bearing only the name of the subdivision and the distance and direction to the subdivision. Where off-premise, such signs shall not exceed 32 square feet per sign face and no part of the sign structure may exceed 12 feet in height. Where on-premise, such signs shall not exceed 60 feet per sign face and no part of the sign structure may exceed 16 feet in height unless affixed to or suspended from a gate or other entry structure. Off-premise signs visible from any public roadway shall have an earth tone background with white lettering which may be reflective. On-premise signs shall be constructed of native material visually compatible with the surroundings. Lighting is prohibited on off-premise signs. Lighting is allowed for on-premise signs and may be external and indirect only.

5.11.020

General Standards For All Signs

All signs permitted as accessory uses in business and industrial districts are subject to the following regulations:

1. Animation: Signs shall not rotate, move, flash, change or blink, except if utilized by a government agency for public safety or information. An electronic message center may display changing information but shall not flash or blink the message or picture display.

2. Wall Signs: Projection of wall signs shall not exceed two (2) feet measured from the face of the building. No wall sign may project above the highest point of roof structure of the building to which it is attached.
 - A. When building frontage is less than 200 feet the maximum sign area for the property shall be equal to one and one half (1.5) square feet for each lineal foot of building frontage length.
 - B. When building frontage exceeds 200 feet, the maximum sign area shall be equal to 300 square feet plus one (1) square foot for each lineal foot of building frontage length.
 - C. As applicable to shopping centers or lots containing multiple businesses or where common signage is shared between two or more adjacent lots, the calculation of allowable sign area shall be as per A and B above.
 - D. The sign allowance shall be calculated on the basis of the length of the building frontage, which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street, the owner of a building may designate the one building frontage which shall be used for the purpose of calculating the sign allowance.

3. Freestanding, Ground, and Off-Site Signs
 - A. Free-standing, ground, or off-site signs shall meet the requirements found in Table 1 of this Section.
 - B. No free-standing, ground, or off-site sign may be erected or placed closer than 25 feet from a side or rear lot line abutting a zoned residential district.
 - C. The height of a free-standing, ground, or off-site sign shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structure.
 - D. A single sign may be permitted on a lot having at least 25 feet of frontage along a public road, except up to two (2) signs may be permitted when the frontage of the lot along a single road exceeds 500 feet. A corner lot with frontage along two public roads is eligible for a single sign along each frontage.
 - E. Area and setbacks of signs shall be permitted in accordance with Table 1.

TABLE 1

Distance to Edge Of Right-of-Way* (Feet)	Maximum Size Allowed per Face (Square Feet)
0-10	72
11-20	84
21-30	96
31-40	108
41-50	120
51 and greater	150

*No signs shall be placed within any public right-of-way.

- F. When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground and shall be in accordance with the National Electrical Code.
 - G. Free-standing, ground, and off-site signs shall be set back from the edge of the right-of-way as found in Table 1 above. The signage setback shall be measured from the edge of the right-of-way of the road, street, or highway fronting the property to the closest plane of the sign.
 - H. The maximum surface area per side for off-site signs shall be 64 square feet per side. Each business is allowed two directional signs not to exceed 12 square feet, which are exempt from the overall sign calculations.
- 4. Revolving Signs: No revolving signs shall be permitted.
 - 5. Projecting Signs: The sign shall be erected at right angles to the building face and be at least nine (9) feet above grade and shall not extend over any vehicular right-of-way. The maximum area per sign face shall not exceed sixty-four (64) square feet.
 - 6. Roof Signs: No roof sign shall extend beyond 28 feet and/or the highest point of the roof.
 - 7. Height: No freestanding, ground, or off-site sign shall exceed 28 feet in height.

The height of free-standing signs, ground signs, pole-signs, and billboards shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structure.
 - 8. Permitted Surface Area: The total surface area of all signs on a property is limited to:

Wall signs:	40% of exposed street-front façade
Billboard/painted bulletin signs:	432 square feet
 - 9. Illumination: Signs, if illuminated, shall be lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it. (Neon is permitted.)
 - 10. Manual Changeable Copy: Any permitted sign may include manually changeable copy in up to seventy (70%) percent of its area. Portable or moveable reader boards may be displayed on-premise to advertise special events or grand openings in commercial or industrial districts for a period not to exceed 10 calendar days within any three month period subject to written approval of the Zoning Administrator.
 - 11. Allowable Signage: The maximum sign area allowance for a particular property shall be calculated as follows unless otherwise specified in this chapter.
 - A. Building Frontage Length:

TABLE 2

Building Frontage (lineal feet)	Maximum Sign Area (square feet)
0-50	75
51-100	150
101-150	225
151-200	300
201-250	375
251 and over	432

- 1) As applicable to shopping centers or lots containing multiple businesses, the allowable sign area can be divided in any way desired by the property owner.
- 2) The sign allowance shall be calculated on the basis of the length of the building frontage which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street, the owner of a building may designate which shall be used for the purpose of calculating the sign allowance.

B. Lot Length:

In lieu of using the length of building frontage as the means of calculating sign area allowance, the calculation may be based on lot frontage. In no event shall the total sign allowance for any property be less than one and a half (1.5) square feet of sign allowance for each lineal foot of lot frontage.

C. Distribution of Sign Allowance:

The sign allowance for a building may be distributed in any manner among its frontages.

D. Sign Area Calculation:

The calculation of maximum total sign area shall be restricted to measuring only one face of multiple faced signs.

5.11.030

Billboard Signs Requiring A Permit

1. No billboard sign shall exceed 432 square feet.
2. A billboard sign may be either single face or back-to-back, with no more than one face visible and readable from the same direction. Back to back would permit a “V” shaped sign provided that the angle of the “V” is no more than 30 degrees.

3. No billboard sign shall exceed 28 feet above grade. The height shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structures.
4. No billboard sign may be constructed within 500 feet of any other billboard sign as measured along the road right-of-way.
5. No billboard sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses in the district in which they are placed. No sign may be erected or placed closer than 25 feet from a side or rear lot line abutting a residential district.
6. A billboard not completely constructed on the effective date of these regulations shall not thereafter be constructed or completed nor may any billboard structure be moved to a different location. No billboard structure may be increased in size or height, notwithstanding any provision to the contrary in Section 2.07 of these regulations.
7. When electrical service is provided to a billboard sign, all such electrical service shall be installed underground and shall be in accordance with the National Electrical Code.
8. Illumination of billboard signs shall be continuous, stationary, shielded light sources directed solely at the sign.
9. All billboards shall comply with the provisions of Section 5.11.030 by July 1, 2003.
10. All proposed construction, reconstruction, replacement or any type of alteration beyond the normal change of copy and normal maintenance, shall be preceded by an application for, and issuance of, a conformance permit from Flathead County Planning & Zoning Office, prior to the start of any work.

5.11.040

Permitted Signs in Zoning Districts

1. Permitted signs in AG-80, AG-40, AG-20, SAG-10, SAG-5, CCC-1, and CCC-2 districts shall be as follows:
 - A. Exempt signs listed herein;
 - B. One freestanding sign plus one wall sign for each place of business; the sign area shall not exceed 40 square feet;
 - C. Up to eight rural directional signs per property on a signpost not to exceed 12 feet in height.
2. Permitted signs in R-2.5, R-1, R-2, R-3, R-4, and R-5 districts shall be as follows:
 - A. Exempt signs listed herein;
 - B. No sign shall exceed eight (8) feet above ground elevation.
 - C. One sign not exceeding six (6) square feet in area, in connection with a non-residential permitted or conditionally permitted use.

3. Permitted signs in *BMRR*, RC-1, RA-1, *RR-I*, CVR, and P districts shall be as follows:
 - A. Exempted signs listed herein;
 - B. Freestanding and ground signs shall not exceed six (6) feet in height;
 - C. One free-standing or ground sign per developed multi-family or business lot provided the subject matter of such sign shall be limited to the name of the primary business and the business tenants of the building, as appropriate;
 - D. One wall sign;
 - E. The sign area shall not exceed sixteen (16) square feet per face.

4. Permitted signs in B-1, B-2, *B-2A*, B-2HG, BR-2, B-3, BR-4, B-5, B-6, ~~and B-7~~, *BMV and BSD* districts shall be as follows (see additional requirements for B-2HG in Section 3.44):
 - A. Affiliation sign not exceeding 16 square feet;
 - B. Electronic automatic changeable copy sign;
 - C. Exempt signs listed herein;
 - D. One or a combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):
 - 1) Free-standing signs
 - 2) Ground signs
 - 3) Off-site signs
 - E. Wall signs;
 - F. Projecting signs.

5. Permitted signs in I-1, I-2, and I-1H districts shall be as follows:
 - A. Affiliation sign not exceeding 16 square feet;
 - B. Billboard/painted bulletin signs (not allowed in I-1H zone);
 - C. Exempt signs listed herein;
 - D. One or the combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):
 - 1) Free-standing sings
 - 2) Ground signs
 - 3) Off-site signs
 - E. Message sign;
 - F. Projecting signs;
 - G. Wall signs.

6. Permitted signs in a PUD district shall be as follows:
 - A. Exempt signs as listed herein, and
 - B. As otherwise permitted in underlying districts.

5.11.050

Maintenance

All signs shall be kept in a neat, clean, and attractive condition. This includes the periodic cleaning, painting, repairing, and/or general maintenance of the sign.

Maintenance shall also include the updating of the information provided by signs such as:

Current goods and prices
Change of ownership/occupant
Name change

This maintenance shall be the responsibility of the sign owner. Any sign that is not properly maintained shall be deemed to be an illegal non-conforming use.

5.11.060

Enforcement and Remedies

Any violation or attempted violation of this Section or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Section shall be considered a violation of the zoning regulations of the County. The remedies of the County shall include the following:

1. Issuing a stop-work order for any and all work on any signs on the same lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the County under the zoning regulations;
4. Seeking in court the imposition of any penalties that can be imposed by such court under the zoning regulations; and
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning regulations for such circumstances.
6. The County shall have other such remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning regulations.
7. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
8. Removal of Signs by the Zoning Administrator:

The Zoning Administrator may cause the removal of an illegal sign in the cases of emergency, or for failure to comply with written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Zoning Administrator together with an additional ten percent (10%) for inspection and incidental costs.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten (10%) percent penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Zoning Administrator, as in the case of a leased sign. For purposes of removal, the definition of “sign” shall include all sign embellishments and structures designed specifically to support the sign.

5.11.070

Non-Conforming Signs

1. Existing signs which do not conform to the specific provisions of these regulations and which were legally constructed prior to the adoption of these regulations are designated as legal non-conforming signs.
2. All legal non-conforming signs shall be removed or brought into compliance with these regulations upon the earlier of the following events:
 - A. The sign is relocated or replaced, except when the sign is displaced for right-of-way or utility easement condemnation.
 - B. The structure or size of the sign is altered in any way except toward compliance with these regulations. This does not refer to change of copy or normal maintenance.
 - C. The sign suffers more than 50% appraised damage or deterioration except in the case of vandalism.
 - D. For signs, which are flashing or blinking: one (1) year from the date of adoption of these regulations.
 - E. All non-conforming billboards shall be brought into compliance within 10 years from the adoption of these regulations or by Year 2003.

SECTION 5.12

YARD, STREET AND SECURITY LIGHTING

5.12.010

The intent of this section is the enhancement of the visual integrity of the natural environs of the community area, particularly pertaining to the unwarranted and/or unwanted intrusion of artificial lighting in areas not desiring such light which detracts from the beauty and naturalness of the hours of normal darkness.

5.12.020

All porch and yard lighting shall be hooded, screened or directed in a manner such that the light source or the diffuser emitting the light shall not be deleterious to the adjoining property owners or occupants.

5.12.030

Any lights provided to illuminate any public or private parking area or vehicles sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential land use district or residential use.

5.12.040

Any non-conforming lighting situation shall be brought into compliance within 90 days after official notice by the Zoning Administrator that a non-conforming situation exists.